

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-VS-

11-CR-6089

JAMES BROME,

Defendant

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**Siragusa, J.** This case was referred by text order of the undersigned, entered on May 12, 2011, to Magistrate Judge Jonathan W. Feldman pursuant to 28 U.S.C. § 636(b)(1)(A)-(B), ECF No. 11. On September 26, 2011, Defendant filed an omnibus motion, ECF No. 81, seeking *inter alia* suppression of the following: fruits of Title III surveillance; physical evidence; and statements. On September 5, 2012, Magistrate Judge Feldman filed a Report and Recommendation ("R&R"), ECF No. 166, recommending that the Court deny Defendant's applications to suppress. The time has passed for Defendant to file any objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in Magistrate Judge Feldman's R&R, Defendant's application to suppress the fruits of Title III surveillance is denied, his application to suppress physical evidence is denied, and application to suppress statements is denied.

IT IS SO ORDERED.

Dated: Rochester, New York  
September 26, 2012

ENTER:

/s/ Charles J. Siragusa  
CHARLES J. SIRAGUSA  
United States District Judge